

09-15-05

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number
S-100,630

First named inventor: Herbert O. Funsten

Application No.: 10/671,109

Art Unit: 2879

Filed: 9/25/2003

Examiner: Patel, Vip

Title: FOIL ELECTRON MULTIPLIER

Mail Stop Petition

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
FAX: (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. However, applicants faxed Part B-Fee Transmittal Form authorizing payment to the USPTO on March 30, 2005. It appears that the forms were inadvertently faxed backwards, i.e., blank side was transmitted.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee -- required for all utility and plant applications filed before June 8, 1995; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity - fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and /or fee to the above-noted Office action in the form of _____ (identify type of reply):

- ☐ has been filed previously on _____.
- ☐ is enclosed herewith.

B. The issue fee of \$ 1,000.00

- ☒ has been paid previously on March 30, 2005.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application.

09/16/2005 EFLORES - 00000003 122150 - 10460452

01 FC:2453 - 750.00 DA

10671109
09/16/2005 EFLORES 00000040 122150
01 FC:2453 750.00 DA

3. Terminal disclaimer with disclaimer fee

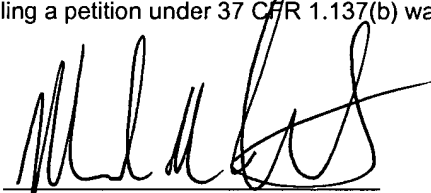
- ☐ Since this utility application was filed on or after June 8, 1995, no terminal disclaimer is required.
☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity or \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

The Director is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 12-2150.

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

[NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

September 13, 2005
Date


Signature

Telephone
Number: (505) 665-5187

Mark N. Fitzgerald
Typed or printed name

Los Alamos National Laboratory
LC/IP, MS A187
Los Alamos, New Mexico 87545

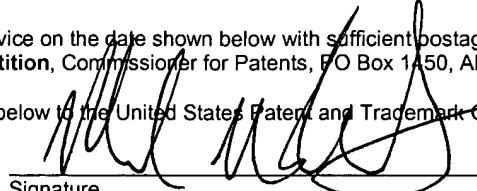
- Enclosures: ☐ Fee Payment
☒ Reply
☐ Terminal Disclaimer Form
☐ Additional sheets containing statements establishing unintentional delay
☒ Other: copy of facsimile transmission and fee transmittal

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ deposited with the United States Postal Service on the date shown below with sufficient postage as express mail in an envelope addressed to: **Mail Stop Petition**, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.
☐ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 872-9306.

September 13, 2005
Date


Signature

Mark N. Fitzgerald
Typed or printed name of person signing certificate



Rev. 12/09/04

FEE TRANSMITTAL
For FY 2005

Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT: \$ 750.00****Complete if Known**

Application Number:	10/671,109
Filing Date:	9/25/2003
First Named Inventor:	Herbert O. Funsten
Examiner Name:	Patel, Vip
Group/Art Unit:	2879
Attorney Docket No.:	S-100,630

METHOD OF PAYMENT (check all that apply)

1. ☒ The commissioner is hereby authorized to charge indicated fees and credit any over payments to:
Deposit Account Number: **12-2150**
Deposit Account Name: Los Alamos National Laboratory
- ☒ Charge Any Additional Fee Required Under 37 C.F.R. 1.16 and 1.17

FEE CALCULATION (continued)**FEE CALCULATION****1. COMBINED FILING FEE**

Large Entity Fee	Small Entity Fee	Fee Description	Fee Paid
1001 \$300	2001 \$150	Basic Filing fee	\$150.00
1004 \$300	2004 \$150	Reissue Filing fee	\$
1111 \$500	2111 \$250	Search Fee	\$250.00
1311 \$200	2311 \$100	Examination Fee	\$100.00
1005 \$200	2005 \$100	Provisional Filing Fee	
1085 \$250	2085 \$125	Provisional Size Fee	

(for each additional 50 sheets that exceeds 100 sheets)

SUBTOTAL (1) \$ 0.00**2. EXTRA CLAIM FEES/APPLICATION SIZE FEE**

	Extra Claims	Fee from Fee Paid Below
Total Claims -20** =	X	= \$
Independent -3** =	X	= \$
Claims		
Multiple Dependent	X 180	= \$

** or number previously paid, if greater; For Reissues, see below

Large Entity Fee	Small Entity Fee	Fee Description
1202 \$50	2202 \$25	Claims in excess of 20
1201 \$200	2201 \$100	Independent claims in excess of 3
1203 \$360	2203 \$180	Multiple dependent claim, if not paid.
1204 \$88	2204 \$44	** Reissue independent claims over original patent
1205 \$18	2205 \$9	** Reissue claims in excess of 20 and over original patent

APPLICATION SIZE FEE

1081 \$250	2081 \$125.00	For each additional 50 sheets that exceed 100 sheets, including specification and drawings
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SUBTOTAL (2) \$0.00

(Include total of Claims Fees and Size Fee here)

3. ADDITIONAL FEES

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1051 \$130	2051 \$65	Surcharge - late filing fee or oath	
1052 \$50	2052 \$25	Surcharge - late provisional filing fee or cover sheet	
1812 \$2520	1812 \$2520	For filing a request for reexamination	
1251 \$120	2251 \$60	Extension for reply within first month	
1252 \$450	2252 \$225	Extension for reply within second month	
1253 \$1020	2253 \$510	Extension for reply within third month	
1254 \$1590	2254 \$795	Extension for reply within fourth month	
1255 \$2160	2255 \$1080	Extension for reply within fifth month	
1401 \$500	2401 \$250	Notice of Appeal	
1402 \$500	2402 \$250	Filing a brief in support of an appeal	
1403 \$1000	2403 \$500	Request for oral hearing	
1452 \$500	2452 \$250	Petition to revive - unavoidable	
1814 \$110	2814 \$55	Terminal Disclaimer	
1453 \$1500	2453 \$750	Petition to revive - unintentional	\$750.00
1460 \$130	1460 \$130	Petitions to the Director	
1806 \$180	1806 \$180	Submission of Information Disclosure Statement	
1809 \$790	2809 \$395	Filing a submission after final rejection (37 CFR 1.129 (a))	
1810 \$790	2810 \$395	For each additional invention to be examined (37 CFR 1.129(b))	
1811 \$100	1811 \$100	Certificate of Correction	
1504 \$300	1504 \$300	Publication fee for early, voluntary, or normal publication/Republication fee	
1801 \$790	2801 \$395	Request for Continued Examination (RCE)	

Other fee (specify) _____

SUBTOTAL (3)**\$ 750.00**

Reduced by Basic Filing Fee Paid

SUBTOTAL FROM 1**\$ 0.00****SUBTOTAL FROM 2****\$ 0.00****SUBTOTAL FROM 3****\$ 750.00****TOTAL AMOUNT OF PAYMENT****\$ 750.00**

(Enter total amount at top of page)

SUBMITTED BY**Complete (if applicable)**

Printed Name: Mark W. Fitzgerald

Reg. No. 48,300

Signature:

Date: September 13, 2005

Telephone (505) 665-5187

copy

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 505 665 4424

Fax Information

Date Received:

Total Pages:

3/30/2005 11:14:24 AM [Eastern Standard Time]
3 (including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMPE) section 306 et seq.

Received
Cover
Page

=====>

03/30/05 09:13 FAX 505 665 4424	GENERAL LAW	001
PAGE 1/0 * RCVD AT 3/30/2005 11:14:24 AM (Eastern Standard Time) * SVR:USPTO-EPXRF-20 * DNIP:7464000 * CBID:505 665 4424 * DURATION mm:ss:00-35		

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISS. FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

35068 7590 03/23/2005

UNIVERSITY OF CALIFORNIA
LOS ALAMOS NATIONAL LABORATORY
P.O. BOX 1663, MS A187
LOS ALAMOS, NM 87545

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Mark N. Fitzgerald (Depositor's name)
[Signature] (Signature)
March 30, 2005 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,109	09/25/2003	Herbert O. Funsten	S-100,630	7237

TITLE OF INVENTION: FOIL ELECTRON MULTIPLIER

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	06/23/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
PATEL, VIP	2879	313-10300R

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Mark N. Fitzgerald
2
3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

The Regents of the University of California, Los Alamos, NM 87545

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 12-2150 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

NOTE: The Issue Fee and Publication Fee, (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature

Date March 30, 2005

Typed or printed name

Mark N. Fitzgerald

Registration No. 48,300

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



Rev. 06/04/04

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Herbert O. Funsten

Docket No.: S-100,630

Serial No.: 10/671,109

Examiner: Patel, Vip

Filed : 9/25/2003

Art Unit: 2879

For : FOIL ELECTRON MULTIPLIER

Customer No. 35068

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Office of Petitions:

In response to the Office communication dated September 6, 2005, Notice of Abandonment for failure to timely pay the required issue fee and publication fee, I have attached a copy of the Issue Fee Transmittal dated March 30, 2005, authorizing payment, and facsimile transmission. Also enclosed is a fee transmittal authorizing payment for a Petition to Revive-unintentional of \$750.00.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service on the date shown below with sufficient postage as express mail in an envelope addressed to the: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

FACSIMILE

☐ transmitted by facsimile to the United States Patent and Trademark Office

Signature

Date September 13, 2005

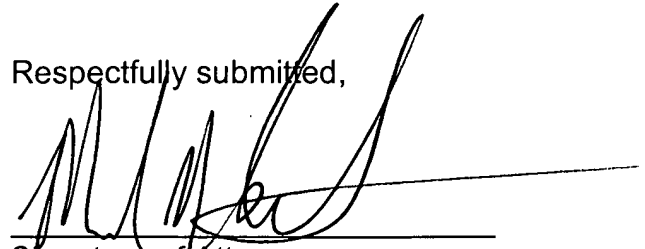
Mark N. Fitzgerald

(type or print name of person certifying)

SN 10/671,109
Docket No. S-100,630
In Response to Office Communication dated September 6, 2005.

Thank you for your attention to this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Mark N. Fitzgerald', written over a horizontal line.

Signature of Attorney

Date: 9/13/2005

Reg. No. 48,300
Phone (505) 665-5187

Mark N. Fitzgerald
Los Alamos National Laboratory
LC/IP, MS A187
Los Alamos, New Mexico 87545